

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Alastair Michael SLATER *et al.* : Confirmation No. 2436
: U.S. Patent Application No. 10/766,032 : Group Art Unit: 2186
: Filed: January 29, 2004 : Examiner: David Masdon
For: CONTROL OF ACCESS TO DATA CONTENT FOR READ AND/OR WRITE
OPERATIONS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *October 3, 2006*, restriction to one of the following inventions is required:

- Invention I: Claims 1-10, 54-59, 65, and 69 drawn to a network-attachable data storage device utilizing an non-volatile memory and a processor to compare characteristics of stored data content in a memory with reference data content characteristics in order to identify a match, classified in class 711, subclasses 103 and 154.
- Invention II: Claims 11-30, 33, 35-37, 52, 53, and 60-64 drawn to a method and a network for storing data content/files based on a set of rules, and subsequently controlling users' access to the memory storing the data content/files, classified in class 711, subclass 163.
- Invention III: Claims 31, 32, 34, 38-51, and 66-68 drawn to a server, a data carrier, programmed memory, and network attached storage device utilizing a

processor to obtain a fingerprint of a file in a reference library to compare with a reference fingerprint to establish a content related attribute of the file, classified in class 707, subclass 6.

In response, Applicants hereby elect Invention I, upon which claims 1-10, 54-59, 65 and 69 are readable.

The election is made *with traverse* because the requirement for restriction between Inventions I and II, *as formulated by the Examiner*, is improper. In particular, Inventions I and II are not related as subcombinations usable in a single combination as alleged by the Examiner. Instead, Invention I (directed to network-attachable data storage device, *see* the preamble of representative claim 1) and Invention II (directed to method of operating network-attached data storage device, *see* the preamble of representative claim 11) are related either as product and process of using or as process and apparatus for its practice. The tests indicated in *MPEP*, at sections 806.05(h) and 806.05(e) must be satisfied before restriction between Inventions I and II can be required.

In addition, the Examiner has failed to specify that (a) Invention II has separate utility from Invention I, (b) Invention III has separate utility from Invention II, and (a) Invention III has separate utility from Invention I.

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,
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